UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
)	
)	Case No. 1:09-CR-35
v.)	COLLIER / LEE
)	
)	
ROBERT L. MILLER)	
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the three-count indictment (2) accept Defendant's plea of guilty to Count One of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 16]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court ACCEPTS and ADOPTS the magistrate judge's report and recommendation [Doc. 16] pursuant to 28 U.S.C. § 636(b)(1) and ORDERS as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;

- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Thursday August 20, 2009 at 9:00 a.m.** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

<u>/s/</u>
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE